

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6850 of 2004

ORDER:

It appears, the petitioner is a fair price shop dealer of Gandhinagar Thanda, Hamlet of Dondapadu village, Mellacheruvu mandal, Nalgonda district. According to the petitioner, he holds a valid authorization, which was renewed from time to time. However, the first respondent passed the impugned proceedings dated 24.3.2004 stating that the authorisation of the petitioner was renewed only upto 31.3.1999 and thereafter, absolutely there was no renewal, thereby the petitioner has contravened the provisions of clause 3 of authorisation issued under A.P. Scheduled Commodities (Regulation of Distribution by Card System) Order 2001.

It is the case of the petitioner that she has been paying the renewal fee to the Section Officer concerned directly and the commodities were supplied to her shop as usual from 1.4.1999 till 24.3.2004 i.e. for a period of about four years without any interruption. Suddenly, the first respondent passed the impugned order canceling her authorization with immediate effect on the ground that she had no valid licence.

According to the petitioner, on enquiries it was revealed that the amounts paid by the petitioner to the concerned Section Officer were not properly deposited into the account for the purpose of renewal of fair prices shop dealership. Therefore, she approached the authorities and deposited Rs.800/- towards renewal fee upto March 2005 by way of challan and filed the same into this Court. Of course, the very challan is disputed.

Be that as it may, before passing the impugned order, no notice of any kind was issued to the petitioner. Therefore, I am of the considered

opinion that the impugned order suffers from gross violation of principles of natural justice and therefore, the same is liable to be set aside.

Accordingly, the writ petition is allowed and the impugned order is set aside. The respondents are directed to conduct a detailed enquiry into the matter after issuing a show cause notice to the petitioner calling for her explanation and hearing her personally or through an Advocate and shall pass appropriate orders as per law. Till such time, the interim order passed by this Court in W.P.M.P.No.8910 of 2004 on 9.4.2004 shall continue and the petitioner is entitled for supply of essential commodities till such time. There shall be no order as to costs.

C.V.RAMULU, J

Date: 30.8.2006

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**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6850 of 2004

Dated: 30th August, 2006

Between:

B.Eswari Bai

.. Petitioner

and

The Revenue Divisional Officer,
Suryapet, Nalgonda district & another.

.. Respondents

